

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**1) DAVID DISCO and  
2) LISA DISCO,**

**Plaintiffs,**

**v.**

**Case No. 18-cv-27-JHP-JFJ**

**3) SAFECO INSURANCE COMPANY OF  
AMERICA,**

**Defendant.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Safeco Insurance Company of America (“Safeco”) hereby removes the above-captioned case from the District Court of Mayes County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this removal, Safeco states as follows:

1. On December 8, 2017, Plaintiffs David and Lisa Disco (“Plaintiffs”) commenced an action in the District Court of Mayes County, Oklahoma, entitled *David Disco and Lisa Disco, as Husband and Wife v. Safeco Insurance Company of America*, Case No. CJ-2017-237 (the “State Court Action”). A true copy of the state court docket sheet is attached as Exhibit 1. All process, pleadings, and orders filed or served in the State Court Action are attached hereto as Exhibits 2 through 4.

2. Upon information and belief, Plaintiffs are citizens of Mayes County, Oklahoma. Defendant Safeco is a corporation incorporated under the laws of the State of New Hampshire with its principal place of business in Boston, Massachusetts.

3. In accordance with 28 U.S.C. § 1446(b)(1), this action has been removed within thirty (30) days of service of Plaintiffs' Petition.

4. The Northern District of Oklahoma includes the state judicial district in which Plaintiffs filed their Petition.

5. This is a civil action over which this Court has original jurisdiction based on diversity of citizenship and amount in controversy pursuant to 28 U.S.C. § 1332, and which may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446. (*See* Exhibit 1, Petition, at ¶¶ 22, 36, 38, and paragraph (b) of Plaintiffs' Prayer for Relief).

6. Contemporaneous with Safeco's filing of this Notice, Safeco will serve written notice to Plaintiffs' counsel of this filing, as required by 28 U.S.C. § 1446(d).

7. Safeco shall also file a true copy of its Notice of Removal with the Clerk of the District Court in and for Mayes County, State of Oklahoma, as required by 28. U.S.C. § 1446(d).

### **CONCLUSION**

Defendant Safeco Insurance Company of America respectfully removes the State Court action from the District Court for Mayes County, Oklahoma, to the United States District Court for the Northern District of Oklahoma, to proceed as an action properly removed thereto.

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

*s/William W. O'Connor*

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**ATTORNEYS FOR DEFENDANT,  
SAFECO INSURANCE COMPANY OF  
AMERICA**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of January, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

J. Drew Houghton

**ATTORNEYS FOR PLAINTIFFS**

*s/William W. O'Connor*

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William W. O'Connor